

MINUTES OF THE HOUSE
EDUCATION STANDING COMMITTEE
Wednesday, January 25, 2017 • 2:00 pm • 30 House Building

Members Present:

Rep. Val L. Peterson, Chair
Rep. Kim F. Coleman, Vice Chair
Rep. LaVar Christensen
Rep. Bruce R. Cutler
Rep. Justin L. Fawson
Rep. Francis D. Gibson
Rep. Eric K. Hutchings
Rep. Bradley G. Last
Rep. Daniel McCay

Rep. Carol Spackman Moss
Rep. Michael E. Noel
Rep. Derrin R. Owens
Rep. Marie H. Poulson
Rep. V. Lowry Snow

Staff Present:

Ms. Allyson R. Goldstein, Policy Analyst
Ms. Lorna Wells, Legislative Session Worker

Note: A list of others present, a copy of related materials, and an audio recording of the meeting can be found at le.utah.gov.

Vice Chair Coleman called the meeting to order at 2:17 p..m.

1. H.B. 43 American Indian and Alaskan Native Education Amendments (Noel, M.)

MOTION: Rep. Noel moved to amend H.B. 43 with Amendment #2.

1. *Page 1, Lines 16 through 17:*

16 ▶ creates a pilot program related to teachers at American Indian and Alaskan
Native
17 concentrated schools { ~~located in certain areas~~ ; and

2. *Page 1, Lines 20 through 23:*

20 This bill appropriates for fiscal year 2018:
21 ▶ to the State Board of Education - { ~~State Office of Education~~ State
Administrative Office , as an ongoing
22 appropriation:
23 • from the Education Fund, \$500,000

3. *Page 2, Lines 41 through 48:*

41 (2) (a) Beginning with fiscal year 2017-2018, there is created a four-year pilot
program
42 administered by the board to provide grants targeted to address the needs of American
Indian

43 and Alaskan Native students { ~~residing within a county of the fourth or fifth class~~
44 ~~that has more than 7,000 American Indians or Alaskan Natives residing in the county~~ } .

45 (b) The pilot program shall consist of a grant program to school districts and charter
46 schools { ~~wholly within a county described in Subsection (2)(4)~~ } to be used to
47 fund stipends,
48 recruitment, retention, and professional development of teachers who teach in American
Indian
and Alaskan Native concentrated schools.

(c) In determining grant recipients under this Subsection (2), the board shall give priority to American Indian and Alaskan Native concentrated schools located in a county of the fourth, fifth, or sixth class with significant populations of American Indians and Alaskan Natives.

4. Page 3, Lines 66 through 69:

66 To State Board of Education - { ~~Utah State Office of Education~~ } State
Administrative Office
67 From Education Fund \$500,000
68 Schedule of Programs:
69 Pilot Teacher Retention Grant Program \$500,000

The motion passed with a vote of 13-0-1.
Voting in the affirmative were: Rep. V. Peterson, Rep. Coleman, Rep. Christensen, Rep. Cutler, Rep. Fawson, Rep. Gibson, Rep. Last, Rep. McCay, Rep. C. Moss, Rep. Noel, Rep. Owens, Rep. Poulson and Rep. Snow.
Absent or not voting was: Rep. Hutchings

Rep. Peterson assumed the chair.

Rep. Michael E. Noel explained the amended bill.

Superintendent Edward Lyman, San Juan School District, spoke in favor of the bill.

Mr. David Damschen, Utah State Treasurer, spoke in favor of the bill.

Dr. Sydnee Dickson, State Superintendent of Public Instruction, Utah State Board of Education spoke in favor of the bill.

Dr. Chuck Foster American Indian Education Specialist Utah State Board of Education spoke in favor of the bill.

Ms. Wendy Chun spoke in favor of the bill.

MOTION: Rep. McCay moved to pass H.B. 43 out favorably, as amended. The motion passed with a vote of 14-0-0.
Voting in the affirmative were: Rep. V. Peterson, Rep. Coleman, Rep. Christensen, Rep. Cutler, Rep Fawson, Rep. Gibson, Rep. Hutchings, Rep. Last, Rep. McCay, Rep. Noel, Rep. Owens, Rep. Poulson and Rep. Snow.

2. H.B. 88 Teacher Salary Supplement Program Amendments (*Gibson, F.*)

Rep. Francis D. Gibson explained that he is working with another Legislator who is drafting a similar bill, so this bill will not be heard today.

3. H.B. 114 Local School Entity Amendments (*Cutler, B. R.*)

Rep. Bruce R. Cutler presented the bill.

Ms. Brittney Cummings, Board Member, Utah State Board of Education, spoke in favor of the bill.

Mr. Royce Van Tassell, Executive Director, Utah Association of Public Charter Schools spoke to the bill.

Terry shoemaker spoke in favor of the bill.

MOTION: Rep. Cutler moved to amend H.B. 114 with Amendment #6.

1. Page 11, Lines 333 through 336:

333 The number of weighted pupil units in the minimum school program for each year is
334 the total of the units for each school district and, subject to Section 53A-1a-513,
charter school determined as follows:

335 (1) The number of units is computed by adding the average daily membership of all
336 pupils of the school district or charter school attending schools, other than
kindergarten and self-contained classes for

2. *Page 12, Lines 338 through 348:*

338 (2) The number of units is computed by adding the average daily membership of all
339 pupils of the school district or charter school enrolled in kindergarten and
multiplying the total by .55.

340 (a) In those school districts or charter schools that do not ~~[elect to]~~ hold
kindergarten for a full
341 nine-month term, the local school board or charter school governing board may approve a
342 shorter term of nine weeks' duration.

343 (b) Upon local { ~~school~~ education board approval, the number of pupils
in average daily
344 membership at the short-term kindergarten shall be counted for the purpose of
determining the
345 number of units allowed in the same ratio as the number of days the short-term
kindergarten is
346 held, not exceeding nine weeks, compared to the total number of days schools are held in
that

347 school district or charter school in the regular school year.

348 (3) (a) The State Board of Education shall use prior year plus growth to determine

3. *Page 13, Lines 380 through 384:*

380 (2) The State Board of Education shall enact rules in accordance with Title 63G,
381 Chapter 3, Utah Administrative Rulemaking Act, ~~[which]~~ that require a certain percentage
of a

382 school district's or charter school's professional staff to be certified in the area in
which ~~[they teach]~~ the staff

383 teaches in order for the school district or charter school to receive full funding
under the schedule.

384 (3) If an individual's teaching experience is a factor in negotiating a contract of

4. *Page 16, Lines 484 through 486:*

484 (3) The State Board of Education shall establish and strictly interpret definitions and
485 provide standards for determining which students have disabilities and shall assist =

school districts in

486 determining the services that should be provided to students with disabilities.

5. *Page 20, Lines 583 through 593:*

583 (d) Leadership organization funds shall constitute an amount not to exceed 1% of the
584 total appropriation under this section, and shall be distributed to each [~~local educational~~
585 ~~agency~~] school district or each charter school sponsoring career and technical
education student leadership
586 organizations based on the agency's share of the state's total membership in those
587 organizations.

588 (e) The [~~board~~] State Board of Education shall make the necessary calculations for
589 distribution of the appropriation to a school [~~districts~~] district and charter school
and may revise and recommend
590 changes necessary for achieving equity and ease of administration.

591 (3) (a) Twenty weighted pupil units shall be computed for career and technical
592 education administrative costs for each school district and each charter school ,
except 25 weighted pupil units may be
593 computed for each school district that consolidates career and technical education

6. *Page 20, Lines 603 through 607:*

603 (e) The [~~board~~] State Board of Education shall, by rule, establish qualifying criteria
for
604 [~~districts~~] a school district or charter school to receive weighted pupil units under
this Subsection (3).

605 (4) (a) Money remaining after the allocations made under Subsections (2) and (3)
shall
606 be allocated using average daily membership in approved programs for the previous year.

607 (b) A school district or charter school that has experienced student growth in
grades 9 through 12 for the

7. *Page 21, Lines 617 through 620:*

617 (b) The rules shall reflect career and technical training and actual marketable job
skills
618 in society.

619 (c) The rules shall include procedures to assist school districts and charter
schools to convert existing

620 programs [~~which~~] that are not preparing students for the job market into programs that
621 will

8. *Page 21, Lines 625 through 628:*

625 53A-17a-116. Weighted pupil units for career and technical education set-aside
626 programs.

627 (1) Each school district and charter school shall receive a guaranteed
628 minimum allocation from the money
629 appropriated to the State Board of Education for a career and technical education
630 set-aside

9. *Page 22, Line 673 through Page 23, Line 675:*

673 school districts and charter schools that qualify for an allocation pursuant to Subsection
674 (8).

675 (3) (a) A [~~district~~] local { ~~school~~ education board may use [its] an
676 allocation to reduce class size in
677 any one or all of the grades referred to under this section, except as otherwise provided in

10. *Page 25, Lines 756 through 760:*

756 school district or charter school's total weighted pupil units compared to the total
757 weighted

758 pupil units for all school districts and charter schools in the state.

759 (b) Subject to budget constraints, money needed to support retirement and social
760 security shall be determined by taking [~~the~~] a school district's or a charter school's
761 = prior year allocation and
762 adjusting it for:

11. *Page 36, Lines 1086 through 1092:*

1086 (1) Since the State Board of Education has adopted a policy that requires school
1087 districts and charter schools to grant credit for proficiency through alternative
1088 programs, school districts and charter schools are
1089 encouraged to continue and expand [~~their~~] school district cooperation with accredited
1090 institutions through performance contracts for educational services, particularly where it
1091 is

1090 beneficial to students whose progress could be better served through alternative programs.
1091 (2) School districts and charter schools are encouraged to participate in
programs that focus on increasing
1092 the number of ethnic minority and female students in the secondary schools who will go
on to

12. Page 37, Lines 1113 through 1116:

1113 [its] the school district's basic program.
1114 (4) { ~~A school district that reduces~~ [its] For the school district of a
local school board that is required to reduce the school district's basic tax rate under
this
1115 section the school district shall receive state minimum school program funds as
though the reduction in the tax
1116 rate had not been made.

13. Page 37, Line 1132 through Page 38, Line 1139:

1132 (b) The [~~state board~~] State Board of Education shall provide each [~~district~~] local { ~~-~~
school} education
1133 board with a statement of the amount of state aid.
1134 (4) [~~Prior to~~] Before the first day of each month, the state treasurer and the Division
of
1135 Finance, with the approval of the State Board of Education, shall disburse 1/12 of the
state's
1136 contribution to the cost of the minimum school program to each school district and
each charter school .
1137 (a) [~~A disbursement may not be made to a district~~] The State Board of Education
may
1138 not make a disbursement to a school district or charter school whose payments
have been interrupted under
1139 Subsection (4)(d).

14. Page 38, Lines 1144 through 1146:

1144 (d) The [~~state board~~] State Board of Education may interrupt disbursements to a
school

1145 district or charter school if, in the judgment of the [board] State Board of
Education, the school district or charter school is failing to
1146 comply with the minimum school program, is operating programs that are not approved
by the

15. Page 39, Lines 1186 through 1189:

1186 Section 30. Section **53A-17a-146** is amended to read:

1187 53A-17a-146. Reduction of local { ~~school~~ education board allocation
based on insufficient

1188 revenues.

1189 (1) As used in this section, "Minimum School Program funds" means the total of
state

The motion passed with a vote of 11-0-3.

Voting in the affirmative were: Rep. V. Peterson, Rep. Coleman, Rep. Christensen, Rep. Cutler, Rep. Fawson, Rep. Gibson, Rep. Hutchings, Rep. Last, Rep. McCay, Rep. Noel, Rep. Owens, Rep. Poulson and Rep. Snow.

Absent or not voting were: Rep. Hutchings, Rep. Last, and Rep. Snow.

MOTION: Rep. McCay moved to pass H.B. 114 out favorably, as amended. The motion passed with a vote of 11-0-3.

Voting in the affirmative were: Rep. V. Peterson, Rep. Coleman, Rep. Christensen, Rep. Cutler, Rep. Fawson, Rep. Gibson, Rep. McCay, Rep. C Moss, Rep. Noel, Rep. Owens and Rep. Poulson

Absent or not voting were: Rep. Hutchings, Rep. Last and Rep. Snow.

4. H.B. 136 Board of Education Revisions (*Kennedy, M.*)

Rep. Michael S. Kennedy explained the bill.

Ms. Elise Ellis, citizen, spoke in favor of the bill.

Ms. Lisa Cummings, spoke in favor of the bill.

Ms. Gayle Ruzicka, Eagle Forum, spoke in favor of the bill.

Mr. Jared Carlson spoke in favor of the bill.

MOTION: Rep. Fawson moved to amend H.B. 136 with Amendment #1.

1. *Page 2, Line 58 through Page 3, Line 62:*

58 hiring of lobbyists, but are intended to be performed in the course of school officials'
normal

59 duties.

60 (4) (a) As used in this Subsection (4) { ~~} :~~

(i) "Available Education Fund revenue surplus" means the Education Fund revenue surplus after the statutory transfers and set-asides described in Section 63J-1-313.

(ii) "Education Fund revenue surplus" means the
61 same as that term is defined in Section 63J-1-313.

62 (b) Before prioritizing the implementation of a federal goal, objective, program need,

The motion passed with a vote of 12-0-2

Voting in the affirmative were: Rep. V. Peterson, Rep. Coleman, Rep.

Christensen, Rep. Cutler, Rep. Fawson, Rep. Gibson, Rep. McCay, Rep. C

Moss, Rep. Noel, Rep. Owens and Rep. Poulson

Absent or not voting were: Rep. Hutchings and Rep. Last

MOTION: Rep. Christensen moved to amend H.B. 136 with Amendment #2.

1. *Page 3, Line 72:*

72 appropriations act passed during a special session called by the governor or a general session.

(d) This mitigation option is in addition to and does not restrict or conflict with the state's authority provided in this part.

The motion passed with a vote of 11-1-2.

Voting in the affirmative were: Rep. V. Peterson, Rep. Coleman, Rep.

Christensen, Rep. Fawson, Rep. Gibson, Rep. McCay, Rep. C. Moss, Rep

Noel, Rep. Owens, Rep. Poulson and Rep. Snow

Voting in the negative was: Rep. Cutler

Absent or not voting were: Rep. Hutchings and Rep. Last.

MOTION: Rep. McCay moved to pass H.B. 136 out favorably, as amended. The motion passed with a vote of 9-3-2.

Voting in the affirmative were: Rep. V. Peterson, Rep. Coleman, Rep. Christensen, Rep. Cutler, Rep. Fawson, Rep. Gibson, Rep. McCay, Rep. C Moss, Rep. Noel, Rep. Owens and Rep. Poulson

Voting in the negative were: Rep. Cutler, Rep. C. Moss, and Rep. Poulson

Absent or not voting were: Rep. Hutchings and Rep. Last

MOTION: Rep. Coleman moved to adjourn. The motion passed unanimously.

Chair Coleman adjourned the meeting at 4:19 p.m.

Rep. Val Peterson, Chair